

REMARKS

1. In response to the final Office Action mailed July 11, 2005, Applicant respectfully requests reconsideration. Claims 1-7 and 9-15 were last presented for examination. All the claims were rejected in the outstanding Office Action. No claims have been amended, canceled or added in this paper. Thus, upon entry of this paper, claims 1-7 and 9-15 will remain pending in this application. Of these fourteen (14) claims, two (2) claims (claims 1 and 6) are independent. Based on the above Amendments and following Remarks, Applicant respectfully requests that the outstanding objections and rejections be reconsidered, and that they be withdrawn.
2. Claims 1-7 and 9-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,564,930 to Yu (hereinafter, "Yu") in view of U.S. Patent No. 5,785,533 to Baitz et al. (hereinafter, "Baitz"). Specifically, the Examiner asserts that Yu substantially teaches Applicant's invention as recited in independent claims 1 and 6. The Examiner concedes, however, that "Yu fails to teach that at least one exterior wall is entirely vacated." (*See*, Office Action, pg. 2.) The Examiner relies on the teachings of Baitz for this missing limitation, asserting that Baitz teaches a "vacated exterior wall (18) which can be placed in the vacated portion to complete the fully assembly of the chassis." (*See*, Office Action, pg. 3.) The Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the interchangeable access panel of Yu to include the entire rear panel as taught by Baitz because "[h]aving a removable rear panel as taught by Baitz ... provides for better access to the components compared to the partial opening of Yu." (*See*, Office Action, pg. 3.) Applicant respectfully traverses this rejection.
3. The Examiner has not provided proper support for the assertion that one of ordinary skill, without having had the benefit of Applicant's novel teachings before them, would have been motivated to combine the teachings of the two references. Neither Yu, Baitz nor the other art of record contain any teaching or suggestion to combine the teachings of Yu with Baitz in any way, much less in the manner proposed by the Examiner. Specifically, the Examiner's alleged motivation that such a combination would provide "better access" to the components of the computer system is misplaced.

4. Yu is concerned with the recent trends of modifying conventional mother board to include additional integrated chip sets. Such new mother boards require a corresponding change in the location and orientation of the access slots in the rear panel of the computer case. (*See*, Yu, col. 1, lns. 43-61.) Yu's access panels 50, 90 provide apertures to accommodate such different access slot configurations for conventional IBM and Western Digital mother boards, respectively. As the Examiner acknowledged, the access panels 50, 90 do not cover a completely vacated side of the computer system.

6. Baitz is directed to increasing plug and connection space on a termination panel by providing an additional row of apertures between the motherboard and additional printed circuit boards, thereby overcoming the limitation that the connection plugs "strictly assigned in rows to the individual printed circuit board levels." (*See*, Baitz, col. 1, lns. 40-41; col. 2, lns. 6-10.) This allows additional daughter boards to have a row of apertures so that "[c]onnections of these daughter boards can then be led directly outwards and no longer have to be led via plugs on the printed circuit board supporting them." (*See*, Baitz, col. 2, lns. 20-22.) This arrangement of rows provides more plug and connection space on the termination panel without having to change the structure of the termination panel. (*See*, Baitz, col. 2, lns. 23-26.)

7. The Examiner's alleged motivation to modify Yu to include the teachings of Baitz, that is, providing increased access to internal components, finds no support in either Yu, Baitz or the other art of record. Both references are concerned with being able to provide an electrical interface for varying internal components; there is no suggestion that physically accessing the components is required or desired. Nor is there any other suggestion in the art of record Yu to combine Yu with Baitz. For example, there is no suggestion in Yu to provide increased plug and connection space of Baitz. Neither is there any teaching or suggestion to provide the replaceable access panels of Yu in the Baitz device.

8. Thus, the Examiner's conclusory assertion that the above general motivation of providing a system with "better access" is not supported by the art of record and is, therefore, an improper basis for supporting a rejection under Section 103. That Applicant's invention provides the noted advantage militates in favor of Applicant's invention because it further shows that the recitations of independent claim 1 provides a

completely different system with a completely different structure, operation and purpose. The only conclusion that can be drawn, based on the record of this application, is that the suggestion forming the basis for the Examiner's otherwise factually unsupported conclusion must have come from Applicant's own novel disclosure; that is, they are based on impermissible hindsight. It is too well settled for citation that Applicant's own novel disclosure cannot be used to supply the teaching or suggestion that is missing from the known art. For this reason alone, Applicant respectfully requests that the Section 103 rejection of independent claim 1 be reconsidered, and that it be withdrawn.

9. Further, even if Yu were to be combined with Baitz as suggested in the Office Action, the resulting device would still not result in, neither would it have the advantages of, the present invention without substantial modifications being made to the resulting system.

10. The Examiner asserts that Baitz discloses a vacated exterior wall and a removable rear panel. (*See*, Office Action, pg. 3.) This is incorrect. Baitz shows neither, a vacated exterior wall nor a removable rear panel. The sole Figure of Baitz is described as "an *exploded*, schematic, perspective view from the rear of an open electronic control unit according to the present invention." (*See*, Baitz, col. 2, lns. 58-60.) An exploded view is defined as "an illustration or diagram of a construction that *shows its parts separately* but in positions that indicate their proper relationships to the whole." (*See*, The American Heritage Dictionary of the English Language, 4th Ed. (2000); emphasis added.) Further the specification, states that the "rear wall 18, which is shown displaced upwards in order to illustrate the interior of the unit more clearly." (*See*, Baitz, col. 2, ln. 67 to col. 3, ln. 1.) Thus, contrary to the Examiner's statements, the rear wall 18 of Baitz is not removable; rather it is a permanent part of the electronic control unit, and is displayed unattached to other components in the exploded view depicted of Baitz's Figure. It follows then that the rear wall of Baitz also fails to have an exterior wall vacancy as recited in Applicant's claim 1. Thus, the proposed or any other combination of Yu and Baitz would not result in Applicant's claimed invention as recited in amended independent claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 1 be reconsidered and withdrawn.

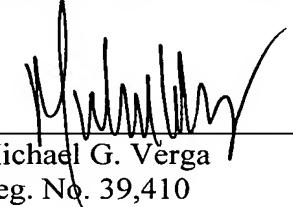
11. Independent claim 6, as currently presented, claims "A plurality of interchangeable access panels, wherein each access panel is adapted to be removably attached to a

partially-assembled chassis to occupy at least a portion of an entirely vacant exterior wall, and wherein each access panel comprises a configuration of at least one aperture each constructed and arranged to provide operational access to components mounted in the chassis.” (See, Applicant’s claim 6 above.) For at least the reasons noted above with reference to claim 1, Applicant asserts that the combination Yu in view of Baitz neither discloses, teaches nor suggests Applicant’s invention as recited in claim 6. Reconsideration and withdrawal of the rejection of claim 6 is, therefore, respectfully requested.

12. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them a fortiori and independently patentable over the art of record. Accordingly, Applicant respectfully requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

13. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,



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